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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

01-4795

First Inventor

David B. Edreich

Title

Cell Phone Retractable Earpiece

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: _____/_____

Prior application information:

Examiner _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

or ☒

Correspondence address below

Name	Edward M. Livingston, Esq.				
Address	628 Ellen Dr.				
	P.O. Box 1599				
City	Winter Park	State	FL	Zip Code	32790
Country	US	Telephone	407 629-4545	Fax	4076451922

Name (Print/Type)

Edward M. Livingston

Registration No. (Attorney/Agent)

28,523

Signature



Date

16 Apr / 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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EDWARD M. LIVINGSTON, P. A.

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POST OFFICE BOX 1599
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OFFICE: (407) 629-4545
FAX: (407) 645-1922
TOLL-FREE: 1-800-548-4332

NAPLES OFFICE:
JOHNSON & LIVINGSTON
800 HARBOUR DRIVE
NAPLES, FLORIDA 34103
OFFICE: (941) 262-8502
FAX: (941) 261-3773
TOLL-FREE: 1-800-548-4332

April 16, 2001

VIA U.S. EXPRESS MAIL/POST
OFFICE TO ADDRESSEE NO. EK079771462US

BOX PATENT APPLICATION
Commissioner of Patents and Trademarks
2011 Jefferson Davis Highway
Arlington, VA 22202

Re: CELL PHONE RETRACTABLE EARPIECE
Applicant: David B. Edreich
Attorney Docket No.: 01-4795

Dear Sir/Madam:

Enclosed herewith for filing, on behalf of the captioned inventor, please find the following:

1. Utility Patent Application Transmittal
2. Patent Application;
3. Three (3) Sheets of Drawings;
4. Combined Declaration and Power of Attorney
5. Our check in the sum of \$355.00 covering the following:

Basic Fee:	\$355.00
Additional Fees:	
Total number of claims in excess of 20, times \$9.00/each: (-0-)	0.00
Number of Independent Claims in excess of 3, times \$40.00/each (-0-)	0.00
Multiple Dependent Claims, \$135.00 per application	0.00
TOTAL FILING FEES	<hr/> \$355.00

April 16, 2001

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A key to the drawings listing the numbers and names of the components in the preferred embodiment is included in the specification for the Examiner's convenience.

In accordance with the rules and for the convenience of the Examiner, copies of any prior art cited in this application and/or noted on the Form PTO-1449 are also enclosed.

Kindly acknowledge receipt of these documents by stamping the enclosed postcard and returning same to our office.

After this application has been given a filing number and date, please forward same to the undersigned. If you have any questions, please do not hesitate to contact this office.

Very truly yours,



Edward M. Livingston

Pat. Atty. Reg. No. 28,523

EML/mao

Enclosures- Noted

Form PTO-1449 with cited Patents

Postcard

pc: Applicant (w/encs.)

CERTIFICATE OF MAILING by "EXPRESS MAIL"
UNDER 37 CFR 1.10

I HEREBY CERTIFY that this letter of transmittal and documents described therein are being deposited with the United States Postal Service by "Express Mail Post Office to Addressee" service, U.S. Express Mail No. EK079771462US, on the 16 day of April, 2001, addressed to the Commissioner of Patents and Trademarks, 2011 Jefferson Davis Hwy., Arlington, VA 22202.


Legal Assistant